

# Baker Hostetler

December 2, 2013

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**BY ECF**

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Re: Ross University. v. Brooklyn-Queens Health Care Inc.*  
No. 09 Civ. 1410 (KAM) (RLM)

Dear Judge Mann:

Pursuant to Judge Matsumoto's Order of November 25, 2013, counsel for plaintiff Ross University School of Medicine, Ltd. ("Ross") respectfully applies to the Court for a limited reopening of discovery to revise its damages calculations.

As the Court will recall, in this breach of contract action one of the issues that will be tried to the jury is the question of the amount of damages that should be awarded for replacement costs for the period from July, 2011 through the January 31, 2018 end of contract term. The parties' damages experts made projections on this issue in the summer of 2011 using information then available to them.

In the time that has passed since these projections were prepared, Ross has entered into additional contracts with other hospitals to replace those clerkships lost when St. John's and Mary Immaculate Hospitals closed and prices for clerkships in the New York market have changed. Ross respectfully requests that this Court reopen discovery on this limited issue so that it may update its expert report to account for this new information.

Defendants do not contest Ross' request so long as Defendants have the opportunity to take discovery from Ross with respect to (1) Ross' new damages calculations, and (2) Ross' efforts, if any, to mitigate its damages, and so long as Defendants have the opportunity to submit an expert report in response to Ross' new expert report.

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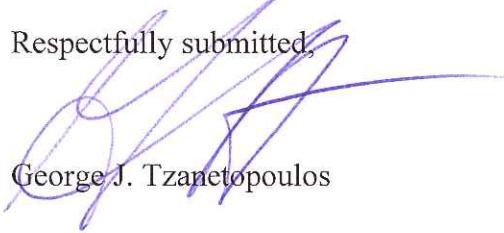
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Subject to your Honor's approval of Ross' request and the schedule below, the parties have agreed to the following discovery schedule in anticipation of an April 2014 trial date:

- Both parties to serve revised fact discovery requests related solely to updating damages (as well as mitigation) no later than December 13, 2013;
- Ross to provide its revised expert report and updated Rule 26 disclosures no later than January 20, 2014;
- Defendants to provide their revised expert report and updated Rule 26 disclosures no later than February 20, 2014;
- Any addition depositions on these matters to be completed by February 28, 2014.

Defense counsel has authorized me to send this letter to the Court on behalf of all parties.

Respectfully submitted,



George J. Tzanopoulos

cc: Walter P. Loughlin  
Stewart D. Aaron